REMARKS

This paper is being filed in response to the Office Communication, dated July 18, 2002, that was issued in connection with the above-identified application. Applicants respectfully request consideration the amendments and remarks presented herein.

Claims 39-86 are pending. Claim 82 has been amended. The rewritten claim appears in the preceding "IN THE CLAIMS" section. Attached hereto is a marked-up version of the changes made by the instant amendment captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE" and is included pursuant to 37 C.F.R. §1.121(c)(ii). Should any discrepancies be discovered in the rewritten claim, the version presented in the preceding "IN THE CLAIMS" section shall have precedence.

The Examiner has alleged that the following groups of claims each constitute a separately patentable invention:

Invention Group I: Claims 39-51, 53-56, 82, and 86;
Invention Group II: Claim 52;
Invention Group III: Claims 57-71, 73-74, 82, and 86;
Invention Group IV: Claims 72;
Invention Group V: Claims 75-79;
Invention Group VI: Claims 80-81 and 83-84; and
Invention Group VII: Claims 82, 85, and 86;

The Examiner has further alleged that the following groups of sequences constitute patentably distinct products of the claimed invention:

Heavy Chain-Related Invention Groups
Sequence Group I: SEQ ID NOS:7 and 8 (serotype B);
Sequence Group II: SEQ ID NOS:9 and 10 (serotype C1);
Sequence Group III: SEQ ID NOS:11 and 12 (serotype D);
Sequence Group IV: SEQ ID NOS:13 and 14 (serotype E);
Sequence Group V: SEQ ID NOS:15 and 16 (serotype F); and
Sequence Group VI: SEQ ID NOS:17 and 18 (serotype G);

N-terminal Domain-Related Invention Groups
Sequence Group VII: SEQ ID NOS:21 and 22 (serotype B);
Sequence Group VIII: SEQ ID NOS:23 and 24 (serotype C1);
Sequence Group IX: SEQ ID NOS:25 and 26 (serotype D);
Sequence Group X: SEQ ID NOS:27 and 28 (serotype E);
Sequence Group XI: SEQ ID NOS:29 and 30 (serotype F); and
Sequence Group XII: SEQ ID NOS:31 or 32 (serotype G).

In response, Applicants elect Invention Group I and Sequence Group I with traverse.

Claim 82 has been amended to refer only to claim 39. Applicants assert that this amendment obviates the grounds for restriction of Invention Groups I and VII. Therefore, Applicants respectfully request withdrawal of this requirement and consideration of the claims of Group VII together with the claims of Group I.

Groups I and III relate to domains of single botulinum neurotoxin molecules, which can be used separately or in combination. Therefore, examination of these groups does not pose an undue search burden. Applicants further assert that the restriction of Groups II, IV, and V is improper since Group V is generic to Groups II and IV. Applicants, therefore, respectfully request withdrawal of the restriction requirement imposed on these claims.

Applicants do not believe any fee is due with this submission. Nevertheless, the Commissioner is hereby authorized to deduct any fees required with this submission from Deposit Account No. 02-4377. Two copies of this paper are enclosed.

Respectfully submitted,

August 19, 2002

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Enclosures

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In this section, added text is marked with double underlining. *e.g.* added text, and deleted text is marked by a single strikethrough, *e.g.* ~~deleted text~~.

IN THE CLAIMS

Claim 82 has been amended as follows:

82. (AMENDED) A recombinant host cell comprising the nucleic acid of claim 39~~, 57, or both~~.